Electronic Case Filing CM/ECF



User Manual

District of South Dakota

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Getting Started

Introduction

This User Manual applies to all civil actions filed in United States District Court for the District of South Dakota.

Pleadings or other documents which are filed traditionally rather than electronically shall be served in the manner provided for in, and on those parties entitled to notice in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

This manual provides instructions on how to use the Electronic Filing System to file documents with the Court, or to view and retrieve docket sheets and documents for all cases assigned in this system. It assumes a working knowledge of Netscape, Internet Explorer and Adobe Acrobat. For questions regarding Netscape, Internet Explorer or Adobe Acrobat, refer to their instruction manuals.

Help Desk

If you need assistance, the Court's Help Desk is available by telephone at the numbers listed below:

Southern Division (Sioux Falls) at 605-330-4447 between the hours of 8:00 am and 5:00 pm CST.

Northern Division (Aberdeen) at 605-224-5849 between the hours of 8:00 am and 5:00 pm CST.

Central Division (Pierre) at 605-224-5849 between the hours of 8:00 am and 5:00 pm CST.

Western Division (Rapid City) at 605-342-3066 between the hours of 8:00 am and 5:00 pm MST.

Or via e-mail at the following address:

ecfhelp@sdd.uscourts.gov

Capabilities of System

The electronic filing system allows registered participants with Internet access and Netscape or Internet Explorer software to perform the following functions:

- Access to the Court's web page
- Download the most recent version of the User's Manual
- Train using a tutorial that mimics the process of e-filing

- Electronically file pleadings and documents in actual "live" cases
- Download Netscape Browser or Portable Document Format (PDF) information

Requirements

Hardware and Software Requirements

The hardware and software needed to electronically file, view and retrieve case documents are the following:

- A computer running a Windows or Macintosh operating system
- Software to convert documents from a word processor format to portable document format (PDF)
- A PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect and Word
- Internet access supporting a transfer rate of 28.8 kbs or higher
- Browser software (Netscape or Internet Explorer).
- Access to a scanner to image documents you did not produce or create (optional)
- A PACER account is required to retrieve information from the ECF system. You can
 obtain a PACER account by calling 1-800-676-6856 or 210-301-6440 or by visiting their
 website at http://www.pacer.uscourts.gov.

How to Register for Access

Participation in electronic filing is limited to attorneys who are members of the bar of this court, including those admitted pro hac vice and attorneys authorized to represent the United States. Registration is to be made by using a form prescribed by the clerk which requires the attorney's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar of this court.

Provided that the registered attorney has an Internet e-mail address, registration constitutes consent to electronic service of all documents as provided in the rules in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

Once registration is completed, the registered attorney will receive notification of the user log-in and password. Registered attorneys agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has be compromised. Registered attorneys may be subject to sanctions for failure to comply with this provision.

Those who are not registered attorneys in the Electronic Filing System are not required to electronically file pleadings and other papers in a case assigned to the system. Once registered, an

attorney may withdraw from participation in the Electronic Filing System by providing the clerk's office with written notice of the withdrawal.

Preparation

Setting Up the Acrobat PDF Reader

In order to view documents filed on the system, users must set up Acrobat PDF reader. All pleadings must be in PDF format to be filed electronically. Adobe does provide a PDF Reader for free on its website and that works for viewing documents. However, in order to create and subsequently file PDF documents you will need to obtain Adobe Acrobat Exchange 3.0 or higher.

Portable Document Format (PDF)

Only PDF (Portable Document Format) documents may be filed with the Court using the Court's Electronic Filing System. Be sure to view the PDF formatted document before sending it to ensure that it appears in its entirety and in the proper format.

How to View a PDF File

- Start the Adobe Acrobat program
- Go to *File* menu and choose *Open*
- Click on the location and file name of the document to be viewed
- If the designated location is correct, and the file is in PDF format, Acrobat loads the file and displays it on the screen
- If the displayed document is larger than the screen or consists of multiple pages, use the scroll bars to move through the document
- Click on the *View* menu for other options for viewing the displayed document. Choose the option that is most appropriate for the document

How to Convert Documents to PDF Format

Conversion of any word processing document to PDF format is required before submission to the Court's electronic filing system.

The conversion process is relatively simple and can be accomplished in one of two ways depending on the word processing program you are using.

For WordPerfect:

Version 6.1, 7, 8 (PDFWriter required for use with these versions)

- Open the document to be converted
- Select the *Print* option and in the dialog box select the option to change the selected printer. A drop down menu with a list of printer choices is displayed
- Select Adobe PDFWriter
- "Print" the file. The file should not actually print out; instead the option to save the file as a PDF format file appears
- Name the file, giving it the file type extension .PDF
- Accept the option and the file is converted to a PDF document
- The file is now in Adobe PDF format under the newly designated name, and the original document remains in its original form under the original name

Version 9 or higher

- Use above method or;
- Open the document
- Click on the *File* menu and select, *Publish to PDF*
- Be sure that [all pages] or [full document] is selected on the **Document** tab
- Click on the **Details** tab and select, **Publish Text as Graphics**. (Note: This step reduces the resulting file size considerably. This will be important with regard to system response time.)
- Save the file as a PDF file, giving it the file type extension .PDF
- The file is now in Adobe PDF format under the newly designated name, and the original document remains in its original form under the original name

Any Other Word Processing Program:

- Open the document to be converted
- Select the *Print* option and in the dialog box select the option to change the selected printer. A drop down menu with a list of printer choices is displayed

- Select Adobe PDFWriter
- "Print" the file. The file should not actually print out; instead the option to save the file as a PDF format file appears
- Name the file, giving it the file type extension .PDF
- Accept the option and the file is converted to a PDF document

Depending on the word processing program being used, it may be necessary to find the printer selection elsewhere. At that point, change the printer to Adobe PDFWriter, and follow the directions above.

Basics

Documents Filed in Error

A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or simply entering the wrong case number and not catching the error before the transaction is completed.

The system will not permit you to make changes to the document(s) (or the resulting docket entry) once the transaction has been committed. Once a document has been filed electronically it is part of the Court record. If the wrong document or a partial document is filed in error, you are advised to re-file a corrected document. Docket entries are the business of the clerk's office and will not be modified upon request. The clerk's office may edit a docket entry to correct or clarify as the Clerk deems necessary.

Viewing Transaction Log

This feature, selected from the *Utilities* menu off the blue bar, allows you to view all transactions processed with your login and password. If you believe or suspect someone is using your login and password without permission, you will need to contact the clerk's office immediately to have your password changed.

User Manual

The most recent version of the User Manual for the system is always available in PDF format the Court's website at www.sdd.uscourts.gov.

A Step-by-Step Guide

Below is a step-by-step guide for entering the system, preparing a document for filing, filing a

motion or other document and displaying a docket sheet.

How to Access the System

Users can get into the system via the Internet by going to:

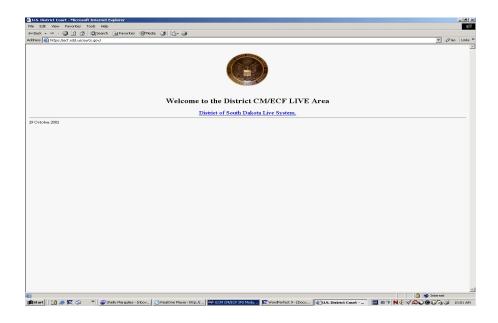
<u>http://www.sdd.uscourts.gov</u> and clicking on the *CM/ECF* box on the left side of the screen as shown below:



Click on Live Database Log-in



Click on District of South Dakota Live System.

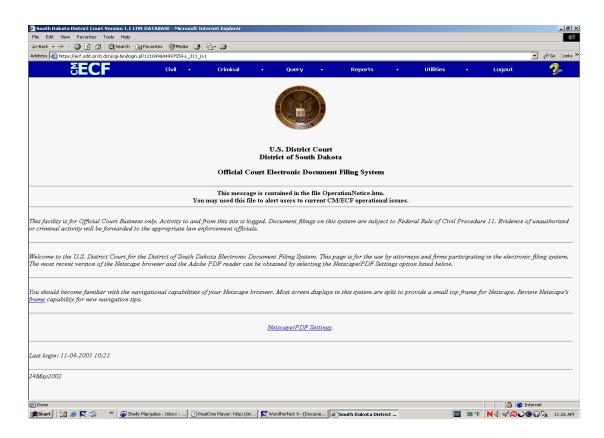


Logging In

The next screen is the login screen.



- Enter your login and password in the appropriate data entry fields. Then click on *Login* button to transmit the information to the system. If an error is made before you've submitted the screen, the *Clear* button allows you to clear the login and password entries so they can be re-entered
- If an invalid combination has been submitted, the system responds with an error message. Click on the *Back* button on your browser, then re-enter your login and password
- The entry of a valid login and password combination prompts the system to display the main menu
- For those current PACER users that have not registered as e-filers, you may use your PACER login to *view* docket sheets and documents (you must use your ECF login to *file* documents electronically). Logging in using your PACER login will give you a similar menu to that shown below, except the <u>Civil</u> and <u>Criminal</u> options will not appear



Note that the last date you logged into the system appears at the left of the screen. You should

review this information each time you log in for security reasons. If you believe or suspect someone is using your login and password without permission, you should contact the Clerk's Office at (605) 330-4447 immediately to change your password.

Civil Events Feature

This **CIVIL** option permits the filing of documents in a case.



There are four basic steps involved in filing a document:

- (1) selecting a menu item (event type);
- (2) entering the case number for which the document is to be filed;
- (3) designating the parties filing the document; and
- (4) specifying the PDF file name for the document to be filed.

Each screen has the following two buttons:

Clear - clears all characters entered in that particular box

Next - accepts entry and moves to next screen

Correcting a mistake



Use the *Back* button on the browser toolbar to go back and correct an entry made on a previous screen. However, once the document is transmitted to the Court (the final submit button), only the Court can make changes or corrections.

Scope of Electronic Filing

The United States District Court has determined that all cases shall be assigned to the court's Electronic Filing System. All petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court in connection with a case assigned to the Electronic Filing System may be electronically filed. Exceptions to this general assignment of all cases to the Electronic Filing System may be made by the Chief Judge or by a judge to whom a particular case is assigned. The Electronic Filing System does not apply to service of discovery between the parties.

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Signatures

Attorneys

The user login and password required to submit documents to the Electronic Filing System serve as the registered attorney's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed.R.Civ.P. 11, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Each document filed electronically must, if possible, indicate that is has been electronically filed. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's bar registration number, if applicable, of the registered attorney under whose log-in and password the document is submitted The signature block must include either an "s/" typed in the space where the signature would otherwise appear or a facsimile signature of the attorney under whose log-in the document is submitted.

No registered attorney or other person may knowingly permit or cause to permit a registered attorney's password to be used by anyone other than an authorized agent of the registered attorney.

A document containing the signature of a defendant in a criminal case must be filed in paper form with an original written signature.

If a document requiring signatures of more than one party is filed electronically, the party must either: (1) submit a scanned document containing all necessary signatures; (2) represent the consent of the other parties on the document; (3) identify on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the judge.

Eligibility, Registration, Password

Attorneys admitted to the bar of this court, including those admitted pro hac vice and attorneys authorized to represent the United States, may register to use the court's Electronic Filing System. Registration is to be made by using a form prescribed by the clerk which requires the attorney's name, address, telephone number, internet e-mail address, and a declaration that the attorney is admitted to the bar of this court.

Provided that the registered attorney has an internet e-mail address, registration constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

Once registration is completed, the registered attorney will receive notification of the user log-in and password. Registered attorneys agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

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Registered attorneys may be subject to sanctions for failure to comply with this provision.

Service of Electronically Filed Documents

Summons and Initial Pleadings

The filing of the initial papers, including the complaint and the issuance and service of the summons in a civil case and the complaint, information, indictment, superseding information or superseding indictment in a criminal case, will be accomplished in the traditional manner on paper rather than through the Electronic Filing System. All subsequent documents in those cases assigned to the Electronic Filing System may be filed electronically except as provided in these rules or as ordered by the court.

Service of Documents by Electronic Means

The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the local rules.

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the Notice of Electronic Filing for parties and counsel who are Filing Users and indicating how service was accomplished on any party or counsel who is not a Filing User.

Consequences of Electronic Filing

Electronic transmission of a document to the Electronic Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55.

Before filing an electronic document with the court, a registered attorney must verify its legibility.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight Central time in order to be considered timely filed that day.

Entry of Court-Issued Documents

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these rules which will constitute entry on the docket kept by the clerk under Fed.R.Civ.P. 58 and 79 and Fed.R.Crim.P. 49 and 55. All signed orders will be filed electronically by the judge or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

The court may sign, seal and issue a summons or warrant electronically, although a summons or warrant may not be served electronically.

A registered attorney submitting a document electronically that requires a judge's signature must promptly deliver the document in such form as the court requires.

Attachments and Exhibits

Registered attorneys may submit in electronic form all documents referenced as exhibits or attachments, unless the court requires conventional filing. An attorney must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Attorneys who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The judge may require parties to file additional excerpts or the complete document.

Attorneys who are not registered in the Electronic Filing System may file large documents with the clerk by delivering the documents on a computer readable disk, in .pdf format. Counsel who file documents in electronic form shall also provide a courtesy copy, in paper form, if they so desire.

Sealed Documents

Documents ordered to be placed under seal must be filed conventionally and not electronically unless specifically authorized by the court. A motion to file documents under seal may be filed electronically unless prohibited by law. The order of the court authorizing the filing of documents under seal may be filed electronically unless prohibited by law. A copy of the order granting the motion to file a document under seal must be attached to the document that is to be filed under seal when the document is delivered to the clerk. Ex parte documents will not be filed under seal unless a motion to file the ex parte document under seal has been granted by the court and a copy of the order is attached to the ex parte

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document at the time the ex parte document is filed with the clerk.

Retention Requirements

Documents that are electronically filed and require original signatures other than that of the registered attorney must be maintained in paper form by the registered attorney until five years after all time periods for appeals expire unless the court directs that it be retained for a different period. On request of the court, the registered attorney must provide original documents for review.

Notice of Court Orders and Judgments

Immediately upon entry of an order or judgment in an action the clerk will transmit to registered attorneys in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed.R.Civ.P. 77(d) and Fed.R.Crim.P. 49(c). The clerk must give notice in paper form to any person who has not consented to electronic service.

Filing Initial Papers

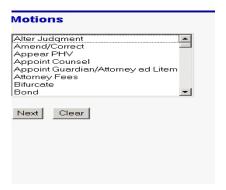
The filing of the initial papers, including the complaint and the issuance and service of the summons in a civil case and the complaint, information, indictment, superseding information or superseding indictment in a criminal case, will be accomplished in the traditional manner on paper rather than through the Electronic Filing System. All subsequent documents in those cases assigned to the Electronic Filing System may be filed electronically except as provided in these rules or as ordered by the Court.

Filing a Motion



Select **CIVIL** from the bar at the top of the main menu to bring up the **CIVIL EVENTS** window.

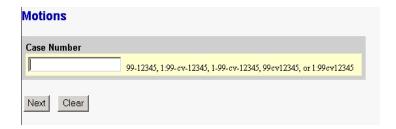
- Click on <u>Motions</u> under <u>Motions and Related Filings</u>
- Select type of motion relief sought



Use the up and down arrows on the right side of the box to find the type of motion to be filed, and click on it.

To select multiple motion reliefs, press and hold down the **Crtl** key, and click on the appropriate forms of relief sought.

- Scroll down and click on Next
- Enter the case number



• If the number is entered incorrectly, click *Clear* to re-enter.

or

- If the computer prompts that you entered an invalid case number, click on **Back** to re-enter.
- When the case number is correct, click on *Next*

• The next screen prompts you to select or add the name of the party for whom you are filing the motion:



Click on the down arrow to the right of the box to scroll through the list (if necessary). If the name you are looking for appears, click on it, and then click *Next*

Note: If the name does not appear, call the Help Desk at one of clerk's offices listed above in the Getting Started section of this manual. The clerk's office will advise you regarding the appropriate steps to take.

• The next screen prompts you to select the PDF filename of the document being filed



- The file MUST be in a PDF format with a .pdf suffix. If not, it will not be accepted by the system.
- If an attempt is made to upload a non-PDF file, or make a standard docket entry without also submitting a document, an error message will appear

To Submit a PDF Document

Enter the full path name of the document to be filed in the space provided;

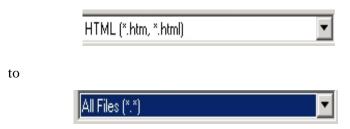
or,

Click on the *Browse* to navigate to the appropriate director and file to select the document.

Two very important points must be noted here:

- If the path name for the file is manually entered, be sure to include the drive name, if applicable, and the full directory path (e.g. c:\docs\answr.pdf)
- To use the *Browse* option, use the mouse to select the directory in which the PDF version of the file is located.

Change the files of type from



Select the file to be uploaded.

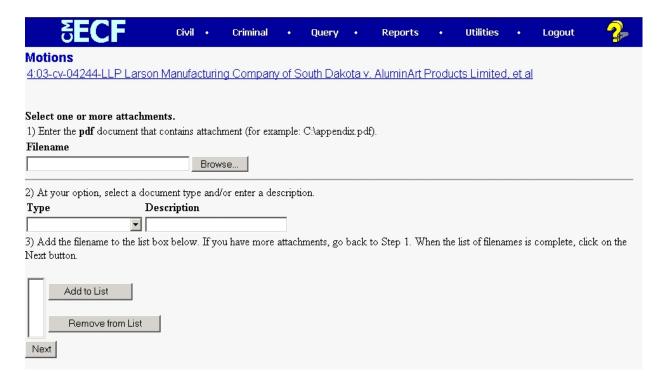
Note: To verify that the document being filed is the correct document, after the file is selected, right click on the file name to bring up a quick menu and left click on open. The .pdf document will open and can be viewed to verify that it is the correct document. You must close the document before attempting to file it (click on File Close or click on the "X" in the upper right corner).

If there are no attachments to the motion, click on *Next*

Attachments to Documents

All documents which form part of a pleading and which are being filed at the same time and by the same party should be electronically filed together under one docket number.

- If there is an attachment to the motion (e.g., an exhibit appendix, proposed order, etc):
- Click Yes
- Click Next
- An additional screen is displayed (all exhibits must be attached to the document being filed) which allows you to attach one or more documents



NOTE: According to the Court's Standing Order, attorneys who are not registered in the Electronic Filing System may file large documents with the clerk by delivering the documents on a computer readable disk, in .pdf format. Counsel who file documents in electronic form shall also provide a courtesy copy, in paper form, if they so desire.

- At the prompt: Enter the PDF filepath and name of the document you are filing or click on *Browse* to search for the document.
- Click on Add to List
- If there are additional attachments, repeat this process for each one.

After adding all .pdf documents for attachments, click on Next

When Attachments and Exhibits are in Paper Format

If attachments and exhibits are filed in paper format, copies must be served on all parties in the case in the traditional manner.

Adding the Description of the Document

• Click the drop-down list and select the correct modifier, if necessary



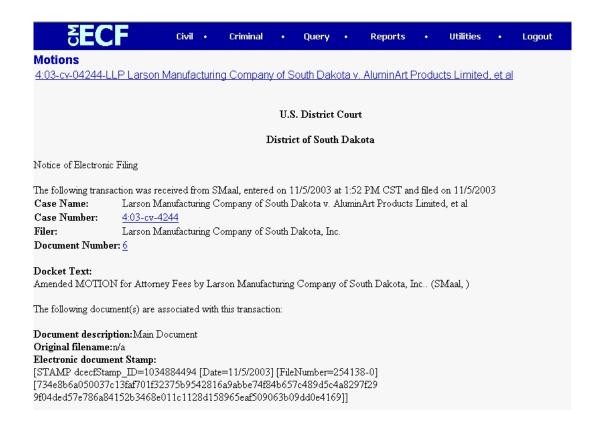
- Click on the white box to the right and type in any additional description, if appropriate
- Continue to click in on the blank boxes to add modifiers and descriptions of additional motions if the document contains more than one
- Click on Next
- Give **final approval** to the entry by following instructions on the next screen:



- To modify a previous screen, click on your browser's Back button to find the screen to be modified
- To abort the entry, click on *Civil* to restart
- If the entry is correct, click on *Next*

After final approval is given, the next screen displays the Notice of Electronic Filing

• This screen gives you confirmation that the system has received the entry, the document is filed and the document is now an official Court document. It also tells you the date and time your transaction was received by the Court, and the document number assigned to the document. Scroll down to view the entire document



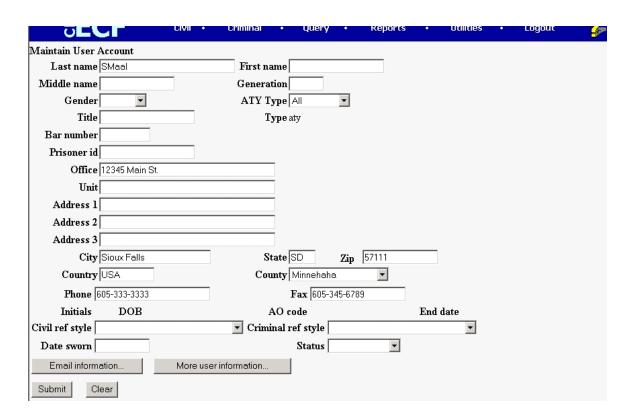
Note: The party filing the document should retain a paper or digital copy of the Notice of Electronic Filing, which serves as the Court's date-stamp and proof of filing.

Filing Other Types of Documents

To file a document other than a motion, make the appropriate selection from the *Civil* menu. The screens that follow will be very similar to those described above for filing a motion.

Your Account

Registered attorneys can customize their e-filing account to best suit their needs. You can update your contact information, add additional email addresses, change your password, monitor cases to which you are not a party and modify how you receive electronic notifications. To make any changes or updates to your account, select *Utilities* from the blue menu bar and then select *Maintain Your Account*



Once you access your account, you will see the screen above that contains your contact information.

** Note: If it is necessary to change any of the listed information, please contact the Clerk's Office to notify them of the change to ensure your contact information is updated in their records as well.

Your Password

A registered attorney may change the court-assigned password on his or her account by selecting *More user information* from the account screen.

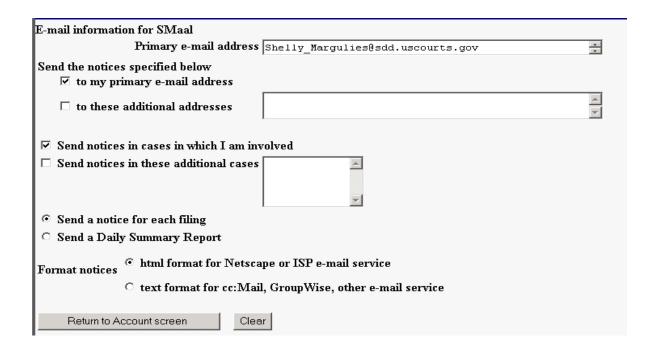
To change your password, delete the ***** to the right of "Password". Type your new password and hit *Return to Account Screen*. Once you are back at the account screen, click on *Submit*. Click *Submit* one more time to commit the transaction. Once you have changed your password, not even the Court will have access to it.

If you forget your password, contact the ECF Help Desk at the numbers listed above in the "Getting Started" section of this manual. For security reasons, this information will not be released to third-parties. The attorney on the account is the only person to whom the Court will release this information.

IMPORTANT: DO NOT CHANGE YOUR ASSIGNED LOGIN!!!!

Email Addresses

To update the email address(es) listed on your account, select *Email Information* from the account screen. You can change/update an email address by deleting the information listed and adding the new email address(es).



The Court recommends that you set up a secondary email address that is either (1) a central repository address that several people have access to, and/or (2) the email address of someone that works closely with you in <u>all</u> your cases (secretary, legal assistant, paralegal). This is a safeguard to ensure that nothing is missed. Should you be out for the day, on vacation, etc, having a secondary email address entered on your account ensures that someone else will also get the message.

• To add a secondary email address to your account, check the box to the left of "to these additional addresses". Enter the additional email address(es) in the white box to the right. Click *Return to Account Screen* and then *Submit*. Click *Submit* one more time to commit the change.

Monitoring Other Cases

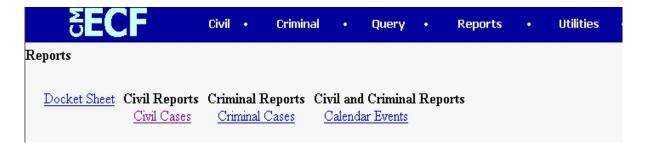
If you would like to monitor cases to which you are not a party, from the account screen select *Email Information*. Click on the box to the left of "Send notices in these additional cases." Type the case numbers of the cases you want to monitor in the box to the right. Click *Return to Account Screen* and then *Submit*. Click *Submit* one more time to commit the change. You will then be notified of activity in the cases you requested.

E-mail information for SMaal	
Primary e-mail address	Shelly_Margulies@sdd.uscourts.gov
Send the notices specified below ▼ to my primary e-mail address	
\Box to these additional addresses	
Send notices in cases in which I am involved	
✓ Send notices in these additional cases	01-4234
© Send a notice for each filing	
© Send a Daily Summary Report	
Format notices html format for Netscape or ISP e-mail service	
○ text format for cc:Mail, GroupWise, other e-mail service	
Return to Account screen Clea	ar

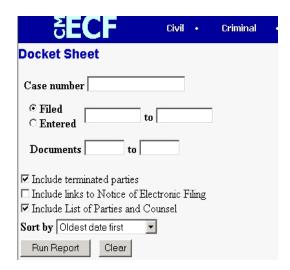
Displaying a Docket Sheet

Click on **Reports**

This displays the Reports Menu, listing the reports that can be produced

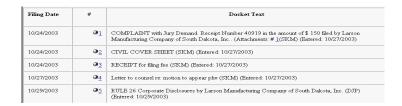


- Click on Docket Sheet
- Enter the case number



- Specify the appropriate criteria for your docket sheet (if you do not enter specific filed/entered dates or document numbers, the entire docket sheet will display).
- Click on *Include Links to Notice of Electronic Filing* to view the Notice of Electronic Filing for each document.
- Scroll down and click on Run Report

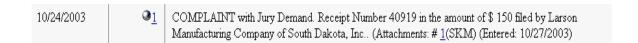
The computer displays the docket sheet.



You may scroll through by using the up and down arrows on the bar to the right side of the list.

If you want to view an actual document described on the docket sheet, click on the document number.

If you want to view the Notice of Electronic Filing, click on the gray dot next to the number.



You may print out the document by clicking on *Print* on the browser toolbar.

To return to the docket sheet, click on *Back*.

You may print out the entire docket sheet by clicking on **Print** on the browser toolbar.

Displaying Other Reports

To view a report other than a docket sheet, make the appropriate selection from the Reports Menu. The steps that you follow are very similar to those described above for viewing a docket sheet.

Troubleshooting

Cannot log into the LIVE SYSTEM

A session can only be established using Netscape or Internet Explorer to do e-filings.

If your login and password have both been correctly typed (in all lowercase letters), and you still cannot log into the system, please call or email the Court's Help Desk at any one of the numbers listed in the "Getting Started" section of this manual.

Technical Failures

A registered attorney whose filing is made untimely as the result of a technical failure may seek appropriate relief from the judge to whom the case is assigned.



CM/ECF Users Manual